

1 **REMARKS**

2 In view of the following remarks, Applicant respectfully requests  
3 reconsideration and allowance of the subject application.  
4

5 **Specification**

6 Applicant appreciates the Office renumbering claims 7-11 and 13-17 as  
7 claims 6-15. As indicated in the above list of claims, Applicant has followed the  
8 direction of the Office regarding claim renumbering and has adjusted claim  
9 dependencies according to the renumbering by the Office.  
10

11 **§103 Rejections**

12 **Claims 1-15** are rejected under 35 U.S.C. §103(a) as allegedly being  
13 unpatentable over Sawabe et al (US Patent No. 6,122,434) (hereinafter, "Sawabe")  
14 in view of Wugofski (US 2003/0035007). Applicant respectfully traverses the  
15 rejection.

16 Applicant's **claim 1** recites:

17 In a system comprising a multimedia player application  
18 operatively configured to interface with a multimedia navigator  
19 program via at least one application programming interface (API), a  
method comprising:

20 causing the multimedia player application to identify to the  
API the availability of a parental level change feature; and

21 upon finding a need for a parental level change, causing the  
22 multimedia navigator program to pause and blocking playback of  
corresponding media content until the multimedia player application  
23 indicates that it accepts an appropriate requested parental level.

24 Sawabe teaches an information recording medium, an apparatus for  
25 recording on the medium, and an apparatus for reproducing the recorded medium,

1 in which an identical disk (recording medium) can be reproduced according to  
2 different parental levels that are set differently according to different countries  
3 (col. 2, lines 8-14). In Sawabe, an information recording medium is reproduced  
4 by an information reproducing apparatus. The reproducing apparatus includes, a  
5 level selecting unit for selecting a reproduction permission level, a data group  
6 selecting unit for selecting one data group out of a plurality of data groups, a  
7 detecting unit for detecting a range of the reproduction permission level of the data  
8 group wherein reproduction is permitted on the basis of the reproduction  
9 permission level selected, and a reproducing unit for reproducing the data group if  
10 the reproduction permission level of the selected data group is included in the  
11 range of the reproduction permission level detected (col. 2, lines 15-25). The  
12 recording medium in Sawabe is recorded with a plurality of data groups that each  
13 include video information and audio information and a reproduction permission  
14 level indicating a level by which a reproduction of the video information and/or  
15 the audio information is permitted. The recording medium in Sawabe is also  
16 recorded with reproduction management information that includes the  
17 reproduction permission range information for prescribing the range of the  
18 reproduction permission level (col. 2, lines 38-48).

19       Regarding **claim 1**, the Office asserts, at page 2 of the Office Action, that  
20 Sawabe discloses “causing the multimedia player application to identify the  
21 availability of a parental level change feature” at col. 18 line 64 - col. 19, line 9.  
22 However, Applicant respectfully disagrees with this characterization of Sawabe.  
23 In Sawabe, the operation described at col. 18 line 64 - col. 19, line 9, *assumes* that  
24 the reproducing apparatus S2 is already set in advance to be used in a particular  
25 country, such as the United States. Sawabe states that “Here, it is assumed that the

1 reproducing apparatus S2 is set in advance for use in the United States” (col. 18,  
2 lines 57-58). During operation, as described in Sawabe regarding Fig. 17 at col.  
3 18, lines 64-67, the system controller 100 first judges whether or not the parental  
4 level is selected for the country in which the system controller is operating. The  
5 description in Sawabe then continues on and *assumes* that the parental level has  
6 been selected for the particular country (i.e., the United States) in which the  
7 system controller is operating. However, nowhere in the description in Sawabe is  
8 there any mention of a “parental level *change* feature”. In Sawabe, there is no  
9 *changing* of the parental level by the system controller, and Sawabe therefore does  
10 not “identify the availability of a parental level change feature” as recited in  
11 Applicant’s claim 1. Instead, the system controller in Sawabe merely identifies  
12 whether or not a particular parental level has been set according to the particular  
13 country in which the system is operating. The description in Sawabe *assumes* that  
14 a parental level corresponding to the appropriate country has been previously set  
15 in order to continue on with discussion regarding reproducing a selected title from  
16 the disk. However, if the parental level is not set for the appropriate country,  
17 Sawabe does not indicate that the parental level can or will be *changed* based on a  
18 change feature. Accordingly, there is no discussion in Sawabe of “causing the  
19 multimedia player application to identify the availability of a parental level change  
20 feature” as recited in Applicant’s claim.

21 Because Sawabe does not teach this element of claim 1, and because  
22 Sawabe alone is relied upon for this teaching, the §103 rejection of claim 1 is not  
23 supported. Accordingly, Applicant respectfully requests that the §103 rejection of  
24 claim 1 be removed.

1 Furthermore, regarding claim 1, it is clear that Sawabe does not teach  
2 “causing the multimedia player application to identify *to the API* the availability  
3 of a parental level change feature”. The Office admits at page 3 of the Office  
4 Action that Sawabe does not teach the element of identifying *to the API* the  
5 availability of a parental level change feature. The Office turns to Wugofski for  
6 support in this regard. Applicant addresses Wugofski herein below.

7 Further regarding claim 1, the Office asserts, at page 2-3 of the Office  
8 Action, that Sawabe discloses (at col. 18, lines 11-25) “upon finding a need for a  
9 parental level change, causing the multimedia navigator program to pause and  
10 blocking playback of corresponding media content until the multimedia player  
11 application indicates that it accepts an appropriate requested parental level”.  
12 However, as already noted above, Sawabe *assumes* a particular parental level (i.e.,  
13 United States parental level) has been selected and does not discuss “finding a  
14 need for a parental level change”. In addition, there is no mention in Sawabe of  
15 causing a multimedia navigator program to *pause* the playback of corresponding  
16 media content until the multimedia player accepts an appropriate requested  
17 parental level. Sawabe does not discuss *pausing* the playback of media content in  
18 response to finding a need for a parental level change. The only time Sawabe  
19 mentions pausing, is in the context of synchronizing the audio signal with the  
20 video signal. For example, Sawabe states the following at col. 17, lines 34-50:

21 The audio buffer 92 is to synchronize the audio signal Sad with the  
22 video signal Sv . . . and *delays the audio signal Sad in accordance*  
23 *with the output condition of the corresponding video information.*  
24 Then, the audio signal Sad . . . is outputted to the audio decoder 93. . .  
25 . . . If it is detected by the system controller 100 that it is necessary to  
temporarily stop (*pause*) the audio voice in the reproduction  
immediately after accessing, a *pause* signal Sca is outputted from the  
system controller 100 to the audio decoder 93, so that *the output of the*

1        *decoded audio signal Sadd is stopped temporarily at the audio*  
2        *decoder 93. (emphasis added).*

3        However, the discussion about *pausing* in Sawabe has no apparent  
4        relationship to “finding a need for a parental level change” as recited in  
5        Applicant’s claim 1. Accordingly, it is clear that Sawabe does not teach  
6        Applicant’s claimed “upon finding a need for a parental level change, causing the  
7        multimedia navigator program to pause and blocking playback of corresponding  
8        media content until the multimedia player application indicates that it accepts an  
9        appropriate requested parental level”.

10       For the additional reason that Sawabe does not teach these additional  
11       elements of claim 1, and because Sawabe alone is relied upon for such teaching,  
12       the §103 rejection of claim 1 is not supported. Accordingly, Applicant  
13       respectfully requests that the §103 rejection of claim 1 be removed.

14       As noted above, the Office admits at page 3 of the Office Action that  
15       Sawabe does not teach the element of identifying *to the API* the availability of a  
16       parental level change feature, as recited in Applicant’s claim 1. Instead, the Office  
17       relies on Wugofski in this regard.

18       First of all, the Office cites Wugofski only for its purported teaching of  
19       API’s and not for any teaching or suggestion of a parental level change feature, or  
20       of causing a multimedia navigator program to pause playback of media content, or  
21       of other elements of Applicant’s claim 1 that are discussed above. Furthermore,  
22       Applicant cannot find any such teaching or suggestion in Wugofski regarding such  
23       elements. Accordingly, Wugofski does not remedy the deficiencies of Sawabe  
24       noted above, and Applicant’s claim 1 is allowable over the combination of these  
25       two references.

1       Wugofski teaches a software architecture for convergence systems, which  
2 are systems that include capabilities otherwise provided by separate systems. The  
3 architecture includes views, overlays, and system services. The views provide a  
4 graphical user interface, which may be associated with a particular application or  
5 applications. The overlays provide a partial graphical user interface cooperating  
6 with and consistent over the views. The system services provide common  
7 functionality and/or user interfaces shared by the views and the overlays.  
8 Wugofski provides a modular architecture that enables rapid, easy and relatively  
9 bug-free development of convergence systems. (page 1, paragraphs #0003 and  
10 #0006-#0007).

11       Regarding claim 1, the Office states that “Wugofski teaches a convergence  
12 system having application programming interfaces for easily and quickly adapting  
13 the system to the new devices (page 1, paragraph #0004, and page 2, paragraph  
14 #0016)”. The Office further indicates that it would have been obvious to one of  
15 ordinary skill in the art to incorporate the application programming interfaces of  
16 Wugofski into the DVD player in order to provide a modular architecture that  
17 enables rapid, easy and relative bug-free development of convergence systems.

18       However, Wugofski only discusses application programming interfaces  
19 (APIs) in a single context in which driver components provide an interface  
20 between a software architecture and a hardware component. At paragraph 0016,  
21 Wugofski states that,

22       Drivers component 12 provides a plurality of drivers, which . . .  
23 provide the manner by which the other components of the software  
24 architecture interface with hardware component 10. . . . Examples of  
25 drivers include application programming interfaces (API's), as known  
within the art, such as those available within Microsoft Windows, as  
well as those available from other parties.

1 Thus, Wugofski teaches or suggests nothing about “causing the multimedia  
2 player application to identify to the API the availability of a parental level change  
3 feature” as recited in claim 1. In addition, Wugofski’s mention of API’s teaches  
4 an interface between software and hardware components. Applicant’s claim 1  
5 does not recite an interface between software and hardware components at all.  
6 Therefore, Wugofski’s teaching regarding API’s *teaches away* from Applicant’s  
7 claim. That is, Wugofski would lead one skilled in the art toward an API that  
8 provides an interface between software and hardware components, and away from  
9 a software application that identifies an available feature to an API.  
10

11 Furthermore, the combination of Sawabe and Wugofski is improper for at  
12 least the reason that there is no suggestion or motivation to combine these  
13 references. MPEP § 2143.01 indicates that there must be some suggestion or  
14 motivation, either in the references themselves or in the knowledge generally  
15 available to one of ordinary skill in the art, to modify or combine reference  
16 teachings. However, as noted above, Sawabe teaches reproducing an identical  
17 recording medium (e.g., a disk) using an information reproducing apparatus such  
18 as a DVD system. Wugofski teaches a software architecture for convergence  
19 systems. Convergence systems are systems that include capabilities otherwise  
20 provided by separate systems. Thus, Wugofski teaches combining systems that  
21 have different functionality, such as TV and PC systems (page 1, paragraph  
22 #0003). One skilled in the art would not be motivated to combine the teachings of  
23 Sawabe with those of Wugofski, because there is no motivation in either Sawabe  
24 or Wugofski for such a combination. Sawabe is not concerned in any respect with  
25 converging different systems. Likewise, Wugofski is not concerned in any respect

1 with reproducing identical disks. Accordingly, the combination of Sawabe and  
2 Wugofski is improper and the §103 rejection of claim 1 based on the combination  
3 of these references should be removed.

4 For at least the numerous reasons provided above, the §103 rejection of  
5 claim 1 is not supported, and Applicant respectfully requests that the §103  
6 rejection to claim 1 be removed.

7 **Claims 2-5** depend from claim 1 and therefore include the elements of  
8 claim 1. Therefore, claims 2-5 are allowable at least on the basis of this  
9 dependency, in addition to the further elements recited therein which are neither  
10 shown nor suggested by the cited references. Examples of further elements not  
11 shown by the cited references include “the multimedia player application presents  
12 a user interface seeking authority to set the appropriate parental level while the  
13 media content is paused” as recited in claim 3, and “the paused media content  
14 continues playback without restarting from a previously played portion of the  
15 media content” as recited in claim 4. Accordingly, Applicant respectfully requests  
16 that the 35 U.S.C. §103(a) rejection to claims 2-5 be removed.

17 The remaining independent **claims 6 and 11** both contain elements that are  
18 the same as or similar to elements already discussed above regarding claim 1. For  
19 example, claim 6 recites the following in part:

20 causing the multimedia player application to identify to the  
21 API the availability of a parental level change feature; and  
22 upon finding a need for a parental level change, causing the  
23 multimedia navigator program to pause and blocking playback of  
24 corresponding media content until the multimedia player application  
25 indicates that it accepts the requested parental level.

Claim 11 recites the following in part:



1 the multimedia player application is configured to identify to  
2 the API the availability of a parental level change feature and upon  
3 finding a need for a parental level change the multimedia navigator  
4 program pauses and blocks playback of corresponding media content  
5 until the multimedia player application indicates that it accepts the  
6 requested parental level.

7 Accordingly, the same reasoning stated above regarding the allowability of  
8 claim 1, is equally applicable to show the allowability of independent claims 6 and  
9 11. Therefore, claims 6 and 11 are allowable at least on the basis of the arguments  
10 already presented. Accordingly, Applicant respectfully requests that the 35 U.S.C.  
11 §103(a) rejection to claims 6 and 11 be removed.

12 **Claims 7-10 and 12-15** depend, respectively, from independent claims 6  
13 and 11, and therefore include the elements of these respective base claims.  
14 Therefore, claims 7-10 and 12-15 are allowable at least on the basis of this  
15 dependency, in addition to the further elements recited therein which are neither  
16 shown nor suggested by the cited references. Accordingly, Applicant respectfully  
17 requests that the 35 U.S.C. §103(a) rejection to claims 7- 10 and 12-15 be  
18 removed.

## 19 **Conclusion**

20 All pending claims are in condition for allowance. Applicant respectfully  
21 requests reconsideration and prompt issuance of the subject application. If any  
22 issues remain that prevent issuance of this application, the Examiner is urged to  
23 contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 2/15/05

By: Nathan R. Rieth  
Nathan R. Rieth  
Reg. No. 44302  
(509) 324-9256; X233

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25